

REMARKS

Claims 1-53 have been previously cancelled without prejudice. Claim 55 has been canceled without prejudice. Claims 54 and 71 have been amended without prejudice. Claims 54 and 56-71 are pending.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, claims 55-71 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wakikaido et al. (6,451,014) in view of Jackson et al. (5,383,874).

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. The Wakikaido et al. reference and the Jackson et al. reference together do not provide any motivation, suggestion or teaching for a hand-held medical device including a battery, a light located on the medical device and electrically coupled to the battery, and a switch or activator located on the medical device for activating the delivery of power from the battery, wherein the light is visible when power is being delivered as required in amended independent claims 54 and 71 and their dependent claims. Wakikaido et al. does not disclose a light and switch located on the hand-held medical device connected to a battery. Jackson et al. also does not disclose a light and switch located on a hand-held medical device connected to a battery, wherein the light is visible when power is being delivered. Therefore, the rejection of the claims as being unpatentable over Wakikaido et al. in view of Jackson et al. should be withdrawn.

Support for this amendment is clearly found in the application as originally filed. No new matter is presented.

Examination and reconsideration of the application as amended is requested. After amending the claims as set forth above, claims 54 and 56-71 are pending in the application and are now believed to be in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

A request for a two (2) month extension of time under 37 C.F.R. 1.136(a) has been filed with this amendment. Please charge to Deposit Account No. 13-2546 the fee of \$450.00 which is required for the two-month extension of time.

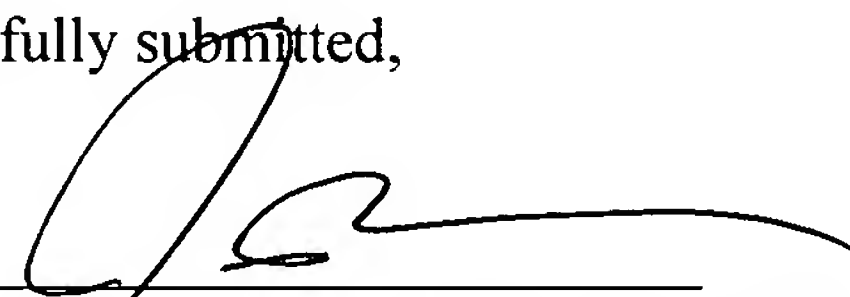
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2546.

If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is urged to contact the undersigned agent at 763-391-9867.

Date: 12/21/06

Respectfully submitted,

By


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